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AMENDMENTS TO LB 65

(Amendments to Standing Committee amendments, AM0271)

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 70-1001.01, Revised Statutes
4 Supplement, 2002 is amended to read:

5 70-1001.01. For the purposes of sections 70-1001 to
6 70-1027 and section 3 of this act, unless the context otherwise
7 requires:

8 (1) Board means the Nebraska Power Review Board;

9 (2) Electric suppliers or suppliers of electricity means
10 any legal entity supplying, producing, or distributing electricity
11 within the state for sale at wholesale or retail;

12 (3) Regional transmission organization means an entity
13 independent from those entities generating or marketing electricity
14 at wholesale or retail, which has operational control over the
15 electric transmission lines in a designated geographic area in
16 order to reduce constraints in the flow of electricity and ensure
17 that all power suppliers have open access to transmission lines for
18 the transmission of electricity;

19 (4) Representative organization means an organization
20 designated by the board and organized for the purpose of providing
21 joint planning and encouraging maximum cooperation and coordination
22 among electric suppliers. Such organization shall represent
23 electric suppliers owning a combined electric generation plant

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1 capacity of at least ninety percent of the total electric
2 generation plant capacity constructed and in operation within the
3 state;

4 (5) State means the State of Nebraska; and

5 (6) Unbundled retail rates means the separation of
6 utility bills into the individual price components for which an
7 electric supplier charges its retail customers, including, but not
8 limited to, the separate charges for the generation, transmission,
9 and distribution of electricity.

10 Sec. 2. Section 70-1014, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 70-1014. After hearing, the board shall have authority
13 to approve or deny the application. ~~Before~~ Except as provided in
14 section 3 of this act for special generation applications, before
15 approval of an application, the board shall find that the
16 application will serve the public convenience and necessity, and
17 that the applicant can most economically and feasibly supply the
18 electric service resulting from the proposed construction or
19 acquisition, without unnecessary duplication of facilities or
20 operations.

21 Sec. 3. An application by a municipality, registered
22 group of municipalities, a public power district, a public power
23 and irrigation district, an electric cooperative, an electric
24 membership association, or any other governmental entity for a
25 facility that will generate not more than ten thousand kilowatts of
26 electric energy at rated capacity and will generate electricity
27 using solar, wind, biomass, landfill gas, methane gas, or

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1 hydropower generation technology or an emerging generation
2 technology, including, but not limited to, fuel cells and
3 micro-turbines, shall be deemed a special generation application.
4 Such application shall be approved by the board if the board finds
5 that (a) the application qualifies as a special generation
6 application, (b) the application will provide public benefits
7 sufficient to warrant approval of the application, although it may
8 not constitute the most economically feasible generation option,
9 and (c) the application under consideration represents a separate
10 and distinct project from any previous special generation
11 application the applicant may have filed.

12 Sec. 4. Original section 70-1014, Reissue Revised
13 Statutes of Nebraska, and section 79-1001.01, Revised Statutes
14 Supplement, 2002, are repealed.".